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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,687	11/26/2003	Lawrence E. Ploetz	136098SV/YOD GEMS:0255	8921
68174	7590	09/23/2008	EXAMINER	
GE HEALTHCARE c/o FLETCHER YODER, PC P.O. BOX 692289 HOUSTON, TX 77269-2289			YEN, SYLING	
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			2166	
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			09/23/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/723,687

**Applicant(s)**

PLOETZ ET AL.

**Examiner**

SYLING YEN

**Art Unit**

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8500)
- Paper No(s)/Mail Date 03/13/06
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The pending claims 1-21 are presented for examination.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 17 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
4. Claim 17 is directed to instructions stored on a tangible medium. The body of the claim recites only instructions and the instructions appear to be not executed by at least one computer processor for performing the steps cited in the claims. Merely claiming non-functional descriptive material, i.e., abstract ideas, stored on a medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-11 and 13-21 are rejected under 35 U.S.C. 102(a) as being anticipated by Babula (US 2003/0061071 A1 hereinafter, "Babula").

7. With respect to claim 1,

Babula discloses **a system for automatically providing a user** (Babula paragraphs 0009 and 0039 e.g. The solutions may then be downloaded or transmitted automatically or upon request by the institution; An automated service unit 136 may also be included in the service facility for automatically responding to certain service requests) **with at least one potential solution to a problem associated with a medical device** (Babula paragraph 0001 e.g. making problem and solution information readily available to a system user, for easily searching such information, and for transmitting search results to the diagnostic system, such as a scanner console or departmental PC where the user can then implement them), **comprising:**

**a server system operable to receive data from a medical device** (Babula paragraph 0015 e.g. FIG. 6 is an exemplary user interface page incorporated in the diagnostic system for placing service requests, and sending and receiving service data between the diagnostic system and a remote service facility), **the server system comprising:**

**a first database containing historic data** (Babula paragraphs 0009 and 0042 e.g. enables the operations personnel to submit a problem query to the service facility and to search the service facility library; historic log information) **for a plurality of medical devices** (Babula paragraphs 0024-0026 and Fig. 1 e.g. MRI system 14; CT system 16; ultrasound system 18) **related to the medical device;**

**a second database containing a plurality of solutions to problems**

(Babula paragraph 0032 e.g. In the diagram of FIG. 2, operator workstations 86 are coupled to the processing system, as are remote databases or computers 88, including the problem-solution database. In addition, at least one local service database 102 is provided for accessing problem-solution information, verifying license and contract arrangements, storing service record files, log files, and so forth) **associated with the plurality of medical devices; and**

**an application service provider that directs the server system to use the data from the medical device to automatically search** (Babula paragraph 0029 e.g. problem-solution information exchanges may be completely automated for locating information needed to address specific problems or questions encountered by the user) **the first database for historic data** (Babula paragraphs 0009 and 0042 e.g. enables the operations personnel to submit a problem query to the service facility and to search the service facility library; historic log information) **for the medical device and to automatically search** (Babula paragraph 0029 e.g. problem-solution information exchanges may be completely automated for locating information needed to address specific problems or questions encountered by the user) **the second database for at least one potential solution to a problem associated with the medical device using the data from the medical device and the historic data for the medical device** (Babula paragraph 0009 e.g. The service facility may transmit a list of available solutions to the operations personnel. The solutions may then be downloaded or transmitted automatically or upon request by the institution).

8. With respect to claim 2,

Babula further discloses **wherein the application service provider directs the server system to use the data from the medical device to automatically search the first database for keywords** (Babula paragraph 0008 e.g. entering key words and phrases for a query) **associated with the medical device.**

9. With respect to claim 3,

Babula further discloses **wherein the application service provider directs the server system to automatically search the second database for at least one potential solution to a problem associated with the medical device using the keywords** (Babula paragraph 0052 e.g. summarizes the key words and phrases that the user entered for the search as well as the number solutions located and the status of the search) **obtained from the first database and the data from the medical device.**

10. With respect to claim 4,

Babula further discloses **wherein the application service provider directs the server system to automatically perform the searches of the first database and the second database in response to a service request** (Babula paragraph 0032 e.g. processing system 84 receives and processes the service requests and data) **transmitted to the server system.**

11. With respect to claim 5,

Babula further discloses **wherein the service request is transmitted to the server system from the medical device** (Babula paragraph 0014 e.g. FIG. 6 is an

exemplary user interface page incorporated in the diagnostic system for placing service requests).

12. With respect to claim 6,

Babula further discloses **wherein the server system transmits** (Babula paragraph 0033 e.g. Such web pages permit problem queries and service requests to be composed and transmitted to the remote service facility, and facilitate the exchange of problem-solution data, messages) **the at least one potential solution to a problem associated with the medical device to the medical device.**

13. With respect to claim 7,

Babula further discloses **wherein the service request is transmitted to the server system from a remote computer** (Babula paragraph 0043 e.g. Such applications may permit the field service engineer to address service requests at the diagnostic system site, or remote from the site as required, and transmit service messages and updates via the remote field service unit).

14. With respect to claim 8,

Babula further discloses **wherein the server system transmits the at least one potential solution to a problem associated with the medical device to the remote computer** (Babula paragraph 0027 e.g. The management system may include a computer workstation or personal computer 72 coupled to the system controllers in an intranet configuration, in a file sharing configuration, a client/server arrangement, or in any other suitable manner. Moreover, management station 70 will typically include a monitor 74 for viewing system operational parameters, analyzing system utilization, and

exchanging service requests and data between the facility 20 and the service facility 22).

15. With respect to claim 9,

Babula further discloses **sending data from a remote** (Babula paragraph 0043 e.g. Such applications may permit the field service engineer to address service requests at the diagnostic system site, or remote from the site as required, and transmit service messages and updates via the remote field service unit) **medical device to a service center comprising a database of potential solutions to a problem associated with at least one remote medical device;**

**automatically searching the database of potential solutions for at least one potential solution to a problem associated with the remote medical device in response to one of a request for service and the data from the remote medical device; and**

**sending the at least one potential solution to a problem associated with the remote medical device from the service center to a service provider via a communications network** (Babula paragraph 0039 e.g. other network or communications schemes may be provided for enabling the service facility to communicate and exchange data and messages with diagnostic systems and remote service units).

16. With respect to claim 10,

Babula further discloses **wherein sending a request for service for service of a remote medical device comprises sending data to enable the service center to**

**identify** (Babula paragraph 0055 e.g. This data preferably includes an identification of the system and/or system configuration to facilitate addressing the inquiry, such as to provide system-specific solutions) **the remote medical device from a plurality of remote medical devices.**

17. With respect to claim 11,

The limitations therein have substantially the same scope as claim 2 because claim 2 is a system claim for implementing those methods of claim 11. Therefore claim 11 is rejected for at least the same reasons as claim 2.

18. With respect to claim 13,

The limitations therein have substantially the same scope as claim 9 because claim 13 is a system claim for implementing those methods of claim 9. Therefore claim 13 is rejected for at least the same reasons as claim 9.

19. With respect to claim 14,

Babula further discloses **a processor-based device** (Babula paragraph 0044 e.g. Finally, the field service units may comprise personal computers or laptop computers of any suitable processor platform).

20. With respect to claim 15,

Babula further discloses **programming instructions to enable the processor-based device to automatically perform a search of a database of medical device data in response to the service request** (Babula paragraphs 0009 and 0042 e.g. enables the operations personnel to submit a problem query to the service facility and to

search the service facility library; historic log information) **from the remote medical device.**

21. With respect to claim 16,

Babula further discloses **programming instructions to enable the processor-based device to transmit results of the search of the database of solutions to medical device problems to a service provider via the network** (Babula paragraph 0039 e.g. other network or communications schemes may be provided for enabling the service facility to communicate and exchange data and messages with diagnostic systems and remote service units).

22. With respect to claim 17,

The limitations therein have substantially the same scope as claim 14 because claim 17 is a computer program claim for implementing those steps of claim 14. Therefore claim 17 is rejected for at least the same reasons as claim 14.

23. With respect to claims 18-19,

The limitations therein have substantially the same scope as claims 1-3. Therefore claims 18-19 are rejected for at least the same reasons as claims 1-3.

24. With respect to claim 20,

Babula further discloses **comprising programming instructions to enable the service provider to store the results** (Babula paragraph 0001 e.g. transmitting search results to the diagnostic system, such as a scanner console or departmental PC where the user can then implement them) **of the keyword search of the second database at the medical device.**

25. With respect to claim 21,

Babula further discloses **providing the system with data to enable the system to identify a category** (Babula paragraphs 0023 and 0054 e.g. Service requests and data transmitted between the systems and the service facility include data for identifying the type and modality of the serviced system, as well as data specifically adapted to the system modality and model; the various service requests may be categorized by type, and associated with specific contract types, subscriber services, licenses, and so forth) **of medical devices that includes the specific medical device.**

***Claim Rejections - 35 USC § 103***

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

28. Claim 12 is rejected under 35 U.S.C. 103(a) as being obvious by Babula as applied to claims 1-11 and 13-21 in view of Schramm-Apple et al (U.S. 2003/0217159 A1 hereinafter, "Schramm-Apple").

29. With respect to claim 12,

Although Babula substantially teaches the claimed invention, Babula does not explicitly indicate the capability of **sending an e-mail message** (Schramm-Apple paragraphs 0014 and 0083 e.g. learning about medical devices; e.g., e-mail questions and answers,) **containing the at least one potential solution to a problem associated with the remote medical device** (Schramm-Apple paragraphs 0014 and 0083 e.g. medical devices) **to the service provider**.

Schramm-Apple teaches the limitations as stated above.

It would have been obvious to one of ordinary skill in the art of medical device management, at the time of the present invention, having the teachings of Babula and Schramm-Apple before him/her, to modify the data categorization system of Babula, wherein the medical device management system would include the teachings of Schramm-Apple because that would have allowed the medical device management system to provide extensive information to physicians and healthcare providers electronically (Schramm-Apple paragraph 0032).

### ***Conclusion***

The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

30. The examiner requests, in response to this office action, support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

31. When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the reference cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SyLing Yen whose telephone number is 571-270-1306. The examiner can normally be reached on Mon-Fri 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SyLing Yen  
Examiner  
Art Unit 2166

SY  
August 27, 2008

/Hosain T Alam/  
Supervisory Patent Examiner, Art Unit 2166